

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

COMPLAINT NO. R2-2002-0030

**MANDATORY PENALTY
IN THE MATTER OF
CITY AND COUNTY OF SAN FRANCISCO
SOUTHEAST WATER POLLUTION CONTROL PLANT
SAN FRANCISCO COUNTY**

This complaint to assess mandatory minimum penalties pursuant to Water Code Sections 13385 (h) and (i), is issued to the City and County of San Francisco, Southeast Water Pollution Control Plant, (hereafter Discharger) based on a finding of violations of Waste Discharge Requirements Order Nos. 94-149 and 96-116 (NPDES No. CA0037664).

The Executive Officer finds the following:

1. On October 19, 1994, the Regional Water Quality Control Board, San Francisco Bay Region, (Regional Board) adopted Waste Discharge Requirements Order No. 94-149, for the Discharger, to regulate discharges of waste from this treatment plant. This order was amended on August 21, 1996 by Order No. 96-116.
2. Water Code Section 13385(h)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for the first serious violation in any six-month period or in lieu of the penalty require the discharger to spend an equal amount for a supplemental environmental project or to develop a pollution prevention plan.
3. Water Code Section 13385(h)(2) defines a serious violation as any waste discharge of a Group I pollutant that exceeds the effluent limitation by 40 percent or more, or any waste discharge of a Group II pollutant that exceeds the effluent limitation by 20 percent or more.
4. Water Code Section 13385(i) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation, excepting the first three violations, for any of the following occurrences four or more times in any six-month period:
 - a. Exceeding a waste discharge requirement effluent limitation.
 - b. Failure to file a report pursuant to Section 13260.
 - c. Filing an incomplete report pursuant to Section 13260.
 - d. Exceeding a toxicity discharge limitation where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.
5. Order No. 94-149 and Order No. 96-116 include the following effluent limitations:

B. Effluent Limitations**1. The effluent shall not exceed the following limits:**

- d. Oil & Grease monthly average of 10 mg/l and a daily maximum of 20 mg/l*
- e. Chlorine residual instantaneous maximum of 0.00 mg/l*

5. Fecal Coliform Bacteria:

The 30-day moving median value for fecal coliform density in final effluent samples shall not exceed 500 CFU/100ml, nor shall more than 10% of the samples equal or exceed 1100 CFU/100ml.

6. According to monitoring reports received, there were a total of 4 violations of your NPDES permit during the period between June 1, 2000 and August 31, 2001.
7. There was one chlorine residual effluent violation on October 17, 2000. There were two oil and grease effluent violations: one daily maximum violation on June 20, 2001 and one monthly average violation on June 30, 2001. On August 15, 2001, there was a fecal coliform effluent 10 sample 90th percentile violation. A listing of these violations is presented in Table 1.
8. The chlorine residual violation is a serious violation because chlorine residual is a Group II pollutant and any detection exceeds the zero effluent limitation by more than 20%. This serious violation is subject to a mandatory minimum penalty of \$3,000.
9. The two oil and grease effluent violations and the fecal Coliform violation are not serious violations under Section 13385 (h) (1). They are not subject to penalty under Section 13385 (i) as they are the first, second and third violations within the preceding 180 days.
10. The violation in finding 8 is subject to a \$3,000 minimum mandatory penalty, for a total penalty of \$3,000.
11. In lieu of the \$3,000 penalty for the first serious violation in the preceding 180 days the discharger may be permitted to complete a pollution prevention plan (PPP) or conduct a supplemental environmental project (SEP) approved by the Executive Officer.

THE CITY AND COUNTY OF SAN FRANCISCO, SOUTHEAST WATER POLLUTION CONTROL PLANT IS HEREBY GIVEN NOTICE THAT:

1. The Executive Officer of the Regional Board proposes that the Discharger be assessed a minimum mandatory penalty in the amount of \$ 3,000.
2. A hearing shall be held by the Regional Board on May 22, 2002 unless the Discharger agrees to waive the hearing and pay the mandatory minimum penalty of \$3,000 in full, or propose a pollution prevention plan or a supplemental environmental project equivalent to \$3,000.

3. You can waive the right to a hearing by signing the last page of the Complaint and checking the appropriate box. By doing so, you agree to pay the liability within 30 days of signing the waiver.
4. If a hearing is held, the Regional Board will consider whether to affirm, reject, or modify the proposed penalty, or whether to refer the matter to the Attorney General to have a Superior Court consider imposition of a penalty.

Loretta K. Barsamian

Loretta K. Barsamian
Executive Officer

April 12, 2002

Date

WAIVER

- [] By checking the box I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No. R2-2002-0030 and to remit payment for the civil liability imposed to the State Water Resources Control Board at 1515 Clay Street, Oakland CA 94612. I understand that I am giving up my right to argue against the allegations made by the Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed. I further agree to remit payment for the civil liability imposed within 30 days after signing this waiver.
- [] By checking the box I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No. R2-2002-0030 and to complete a pollution prevention plan or conduct a supplemental environmental project in lieu of the civil liability imposed for the first serious violation, subject to approval by the Executive Officer. If the pollution prevention plan or supplemental environmental project is not acceptable to the Executive Officer, I agree to pay the civil liability within 30 days of a letter from the Executive Officer denying the approval of the proposed project. I understand that I am giving up my right to argue against the allegations made by the Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed. I further agree to complete a pollution prevention plan or conduct a supplemental environmental project approved by the Executive Officer... within a time schedule set by the Executive Officer.

Name (print)

Signature

Date

Title/Organization

